Safeguarding kava integrity, safety, and Pacific sovereignty: A submission to the Ministry for Primary Industries' *Proposed changes to the kava food standard* in Aotearoa New Zealand

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Overview

The Pacific's cultural keystone species kava,[1] is currently facing several existential threats, primarily from foreign-owned, commercially powerful entities that are redefining, appropriating, and adulterating our unique Pacific-owned genetic and cultural resource. These actions pose risks to kava's safety profile, countering the World Health Organisations[2] recognition that, "On balance, the weight-of-evidence from both a long history of use of kava beverage and from the more recent research findings indicates that it is possible for kava beverage to be consumed with an acceptably low level of health risk." Those existential threats also have the potential to scapegoat kava as a health concern and trigger another *Kava Ban* as we saw in the early 2000's, threatening kava availability and the livelihoods of small-scale Pacific kava farmers together with impacts to export earnings, and vicariously GDP.

While some Pacific leaders, academics, and stakeholders have raised concerns, Pacific government-level action is critical to safeguarding regional interests and kava's reputation as a safe product. Such action is aimed at limiting economic loss, but also the minimising of health risks linked to non-noble varieties and 'products that contain *Piper methysticum'* that have unknown and varying safety profiles. In addition, action is also necessary in nations that import kava, and where it is used by the Pacific diaspora as part of cultural continuity, together with a growing new user group. Therefore, action such as that being proposed by the Ministry of Primary Industries' (MPI) *Proposed changes to the kava food standard* has the potential to contribute to these goals.

That MPI *Proposed changes to the kava food standard* includes a submission process. Experience with previous kava related submission processes shows the inclusion of some erroneous claims together with mis- and dis-information, including sadly, by some Pacific people who do not understand kava within their culture. This submission presents specific existential threats associated to the *Proposed changes to the kava food standard* and is supported by academic and other citations together with several points to highlight themes.

To underpin discussion on those specific existential threats associated to the *Proposed changes to the kava food standard* context, it is valuable reasserting 'WHAT KAVA IS' and who has the right to define this.

1. Kava is a CULTURAL KEYSTONE SPECIES unique to the Pacific. It gained this status over 2000+ years, being tied to spirituality, its use in almost every significant life event from birth to death, its role in facilitating both formal and informal gatherings, and its use in medicine.[3]
2. Garibaldi and Turner, [4] experts on the topic of cultural keystone species, emphasize that the recent use of an indigenous substance by non-indigenous peoples in a new environment, even over the past 100-odd years, does not confer ownership or give those new users a right to redefine a keystone species definition or status.
3. Pacific traditional knowledge tells us that kava is not simply the plan of beverage; it is both a noun and a verb, encompassing practices such as how users sit when engaging with kava, what people sit on, the utensils used (e.g., *kumete*, *ipu*), and the serving order. As a verb, kava creates *vā*/*veiyaloni* – connections between people and prior to colonial contact, with ancestral gods.[5]
4. Traditional Pacific knowledge also guides the selection of cultivars used for beverage kava which are commonly referred to today as 'noble varieties.'[6]
5. This knowledge also informs beverage mixing practice, typically involving only water, and occasionally coconut water in Hawaii.[7]
6. This knowledge and mixing practices are acknowledged in national standards such as the *2020 Tonga Kava Quality Standard*,[8] the Vanuatu[9] and Fiji[10] *Kava Quality Manuals*, and the *Samoan 'Ava Standards*.[11]
7. The WHO acknowledges Pacific traditional knowledge – the "long history of use" – stating that when kava is used in traditional form it poses an "acceptably low level of health risk"[12]. That WHO report also cites research showing kava beverage as "dramatically" safer than Panadol/Paracetamol.[13] This, together with noble cultivar recommendations, is reflected in the WHO's Kava Codex Alimentarius,[14] and has led to the regulation of kava as 'food' in several nations,[15] the most recent the USA.[16]
8. While some non-noble cultivar use does exist, this is typically for specific medicinal use.[17] However, medicinal kava is not intended for daily use.[18]
9. <u>Point 1</u>: Pacific peoples are the sole *owners* of kava and therefore, Pacific peoples must lead all discussions on its definition, safety guidelines, and quality standards.
10. Moreover, Shrinkhal's review of international law shows that when indigenous peoples are excluded from such leadership, or when outsiders impose their views, this constitutes colonial practice and violates indigenous sovereignty.[19]
11. International laws and protocols, such as the World Intellectual Property Organization's (WIPO) Treaty on Intellectual Property, Genetic Resources, and Associated Traditional Knowledge; the UN Declaration on Rights of Indigenous Peoples; the Convention on Biological Diversity; selected WTO principles', and the Nagoya Protocol provide protection for indigenous peoples against colonial/external overreach and exploitation.[20]
12. Mostly driven by non-Pacific business interests, there is increasing commodification of *Piper methysticum* via extracts, nutraceuticals, flavored powders, and canned drinks, often sold in convenience stores and marketed as 'kava.'
13. Similarly, cocktail-like beverages containing *Piper methysticum* are being sold in café-style 'kava bars.'
14. Increasing numbers of Pacific cultural experts, practitioners, and scholars argue these Western commodified products <u>do not meet the definition of kava</u> within its originating cultures.[21]

15. Non-Pacific experts echo these concerns. For instance, kava ethnobotanist Dr. Vincent Lebot, stated: 'If … companies … want to extract the active ingredients and make capsules or whatever, this is not called kava. Just as putting caffeine in a capsule doesn't make it coffee, or dry raisin peel doesn't make it wine…'[22]
16. A recent paper, co-authored by 20 researchers, states: "If kava is a cultural keystone species, inclusive of practice and relational connection informed by 2000+ years of knowledge, once those elements are removed, it loses its function and designation as kava… kava is a Pacific cultural term and to use it as a catch all for any product containing *Piper methysticum* is appropriative and misleading."[23]
17. While some challenge claims that their kava-related behavior is appropriative, others acknowledge this. For instance, a US 'kava bar' proprietor recently challenged other 'kava bar' owners in a social media post: "We're all guilty of some degree of cultural appropriation… I, for one, did not opt to hang dozens of regionally inaccurate tribal masks all over my bar, but it's certainly a common choice."[24]
18. Practices such as hanging tribal masks in retail outlets by those not ethnically related to the cultural items is discussed by Horkheimer & Adorno[25] who define these kinds of activities as being common to the *culture industry*. The *culture industry*, they say, leverages the 'exotic other' – the 'culture of the native' – to create artificial environments and other factors aimed at stimulating profits.
19. The word kava, its cultural significance, role in traditional practice and medicine, is being leveraged by the *culture industry* for profit. Moreover, many of the commodities created and sold by the *culture industry* do not comply with kava as defined by Pacific traditional knowledge, while also having varying safety profile concerns. These concerns are addressed in part by MPI's *Proposed changes to the kava food standard*.
20. Commodities and creations that do not comply with kava as defined by Pacific traditional knowledge are at best 'products containing *Piper methysticum*'; they are not kava.
21. The clear difference between kava and 'products containing *Piper methysticum*' is demonstrated in the image:

22. Point 2: Products that do not conform to traditional definitions should not be labelled, marketed, or inferred to be kava as this is disingenuous, misleading, feeds misinformation and ignores Pacific traditional knowledge, and in some cases compromising kava safety profiles

The first existential threat specific to the *Proposed changes to the kava food standard*:

- **Non-noble *Isa*/*tudei* cultivars**

23. New research by kava ethnobotanists questions whether non-noble *Isa*/*tudei* cultivars are in fact *Piper methysticum*, suggesting instead they are from the *Piper wichmannii*[26] species which are believed to be hepatotoxic and should not be consumed as per *Piper methysticum*.[27]
24. The WHO's Kava Codex Alimentarius[28] specifically prohibits varieties such as *Isa* and *tudei*. These are also prohibited under export/import rules.[29]
25. Media, self-reports and legal documents show that non-noble *Isa*/*tudei* cultivars are being grown on an industrial scale both in and outside the Pacific. [30]
26. In some cases, non-noble *Isa*/*tudei* cultivars are mixed with *Piper methysticum*.[31]
27. In Continental US, growers are attempting to trademark *Isa*/*tudei* cultivars as 'kava' and supply markets[32] including selling *Isa* as 'kava' in a US kava bar.[33]
28. Point 3: The sale of non-noble *Isa*/*tudei* as 'kava', and/or its addition to *Piper methysticum*, threatens user safety and has the potential to trigger another Kava Ban.

The second existential threat specific to the *Proposed changes to the kava food standard*:

- **Clarifying the existing rule that processing aids and additives are not allowed in the preparation of kava.**

It could be argued that the addition of, for instance, strawberry flavouring and whipped cream – as is done in some US 'kava bars' – to *Piper methysticum*, has minimal safety implications. As a Pacific health researcher specialising in kava safety, I argue that this rational – known as 'value added' – fails to consider wider issues.

29. For instance, video evidence shows a person in Aotearoa New Zealand bottling *Piper methysticum* mixed with fruit cordial. This was done in an unsanitary garage, included limited labelling information, and was subsequently sold in dairy shops, with the product remaining on the shelf for several days before purchase. This is not an isolated incident.
30. Aside from the lack of quality control during production, traditional knowledge states that kava must be consumed within a short period – hours – after preparation. *Piper methysticum* beverage is never stored as this can compromise safety.
31. In addition to dubious production methods and *Isa* and *tudei* varieties being added to *Piper methysticum* (as described above), a further threat is kratom, an addictive leaf from Southeast Asia.[34]
32. The FDA prohibits the importation of kratom into the USA,[35] who has reported 36 deaths associated with kratom-containing products.[36]
33. Regardless that the FDA state it is unlawful to market kratom as a dietary supplement,[37] it is legal to sell in some US States.

34. In a recent documentary, clinical addiction psychiatrist Dr Cornelieu Stanciu, stated that the mixing of addictive kratom with safe kava has a unique synergistic action: "The combination of these two botanicals certainly is concerning. Both kratom and kava can inhibit metabolism of certain pharmacological agents, but also of each other, which increases their potency."[38]
35. Online addiction support spaces[39] are filled with reports of addiction to kava-kratom products, also claiming addiction to 'kava' purchased in kava bars, kava they later found had been 'spiked' with kratom.[40]
36. Research[41] shows kratom is sold in over 80% of 'kava bars' in Continental USA.
37. Commonly known as 'Gas-station heroin',[42] kratom has become a 'kava value added' product, combined with *Piper methysticum* to give it a 'euphoric hit'.[43]
38. In a recent survey-based study (*n*=102, northern Colorado), patrons reported most often (87.8%) purchasing kratom from 'kava bars', and with a quarter acknowledging knowing mixing that kratom with kava.[44]
39. Morgan Smith, the chief executive officer of *Kalm With Kava*, stated in an interview, "When I walk into a kava bar, I say, 'what's the best thing you got?' … And 90% of the time, the bartender will say, 'Oh, we've got this great stuff called kratom.'"[45]
40. Kratom powder and kratom-*Piper methysticum* beverages can be purchased in Aotearoa New Zealand on the *black market*.
41. With kratom increasingly being mixed with *Piper methysticum* and sold in venues called 'kava bars',[46] this has increasingly led to the two substances being perceived as similar.[47] This is feeding kava misinformation and notions that kava is also addictive and dangerous.
42. The Vanuatu Biosecurity Director, Tekon Timothy Tumukon, recently pointed out the threat kratom poses to kava and its safe reputation. He stated, "…establishments in the United States … mix kava with substances like kratom and sell the blend as 'fresh kava.' Such products should adopt alternative brand names to avoid misleading consumers and prevent another global ban on kava trade."[48]
43. <u>Point 4</u>: Unethical actors are seeking to use safe kava to masquerade dangerous additives such as *Isa*/*tudei* varieties and kratom, whereas others are mixing less concerning additives into the *Piper methysticum* beverage in unsanitary conditions, with all parties arguing these products comply with 'value added' commercial practices stimulating economic advantages.
44. <u>Point 5</u>: Past experience shows that when health concerns associated with kava 'value added' products arise, it is typically 'kava' that is scapegoated as problematic as opposed to concerning practices or the resultant 'product containing *Piper methysticum*'.[49]

In this context, the *Proposed changes to the kava food standard* by New Zealand's Ministry for Primary Industries are both necessary and proportionate. By explicitly prohibiting non-noble cultivars and clarifying that processing aids and additives are not permitted in the preparation of kava, the changes reinforce Pacific traditional knowledge and align with WHO safety guidance. They also draw a clear regulatory boundary between safe kava and 'products containing *Piper methysticum*', a boundary that some unethical actors seek to exploit under the guise of 'value added' practices which include the addition of harmful substances and other practices that have the potential to cause harm to kava and users.

Together, these measures aid in addressing the safety, reputational, and cultural risks outlined above, reducing the likelihood of adulteration, misinformation, and another damaging kava ban.

They also contribute to safeguarding Pacific livelihoods and indigenous sovereignty over the Pacific's most dominant cultural keystone species.

Note: Contrary to the claims of some, Pacific peoples are not advocating for, or seeking to stop, kava use or sale by non-Pacific people. They are simply seeking to protect their cultural keystone species – rooted in over 2,000 years of traditional knowledge – and safeguarding its use and reputation from being adulterated, misrepresented, exploited, or appropriated by the 'culture industry' and other commercial entities in ways that could trigger a second kava ban, with devastating consequences for cultural practice, Pacific farmers, export earnings, and national GDPs.

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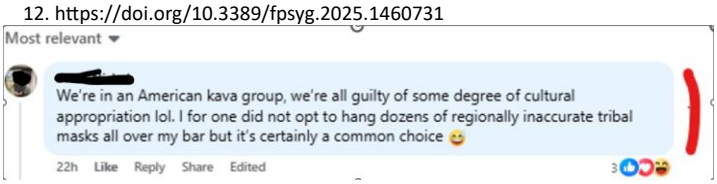
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[redacted]
We're in an American kava group, we're all guilty of some degree of cultural appropriation lol. I for one did not opt to hang dozens of regionally inaccurate tribal masks all over my bar but it's certainly a common choice
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'some bars SPIKE their kava with kratom'
Some places spike the kava with Kratom extract
16h Like Reply
this is what they do at my kava bar. They call it "the Komodo". A kava with a little bit of extract. It's a great drink lol besides the fact it's what's got me addicted to kratom and cost $25 dollars (and they add a $5 tip on bill for scooping some kava into a shell) so I couldn't afford it after a while so started to order kratom online at $90 a kilo and it all went down hill lol
12h Like Reply
Feel Free basically does it too
11h Like Reply

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